

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RANDALL CLARK,

Plaintiff,

v.

C.A. NO. 1:22-cv-10931-ADB

SOUTHWEST CREDIT SYSTEMS, L.P. et
al.,

Defendant.

DEFENDANT SOUTHWEST CREDIT SYSTEMS, L.P.’S ANSWER TO COMPLAINT

The Defendant Southwest Credit Systems, L.P. (“Defendant”) answers the complaint as follows:

JURISDICTION

1. Defendant admits that Plaintiff brings this suit alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (“FCRA”), the Massachusetts Consumer Protection Act, M.G.L. c. 93A § 2, *et seq.* (“MGL 93a”), and Massachusetts Debt Collection Regulations, 940 CMR § 7.00 *et seq.* (“MDCR”). Defendant denies violation of any of these statutes. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 1; therefore, it denies the same.

2. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 2; therefore, it denies the same.

3. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 3; therefore, it denies the same.

PARTIES

4. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 4; therefore, it denies the same.

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 5; therefore, it denies the same.

6. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 6; therefore, it denies the same.

7. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 7; therefore, it denies the same.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 8; therefore, it denies the same.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 9; therefore, it denies the same.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 10; therefore, it denies the same.

11. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 11; therefore, it denies the same.

12. Defendant admits that the location information included in this paragraph is generally correct. Defendant admits that at times it acts as a debt collector, however, Defendant lacks knowledge or information sufficient to form a belief about whether it acted as a “debt collector” as the defined by the FDCPA in this particular matter; therefore, it denies the same. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 12; therefore, it denies the same.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 13; therefore, it denies the same.

ALLEGATIONS APPLICABLE TO ALL COUNTS

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 14; therefore, it denies the same.

15. Defendant denies Paragraph 15 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 15; therefore, it denies the same.

16. Defendant admits that Plaintiff never applied for a line of credit with Defendant. Defendant further admits that the original creditor, whose business relationship with Plaintiff gave rise to the subject debt, placed the debt with it for collection. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 16; therefore, it denies the same.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 17; therefore, it denies the same.

18. Defendant denies Paragraph 18 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 18; therefore, it denies the same.

19. Defendant denies Paragraph 19 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 19; therefore, it denies the same.

20. Defendant denies Paragraph 20 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 20; therefore, it denies the same.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 21; therefore, it denies the same.

22. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 22; therefore, it denies the same.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 23; therefore, it denies the same.

24. Defendant denies Paragraph 24 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 24; therefore, it denies the same.

25. Defendant denies Paragraph 25 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 25; therefore, it denies the same.

26. Defendant denies Paragraph 26 and further denies Plaintiff is entitled to any relief or damages against it.

27. Defendant admits that Plaintiff brings this suit alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (“FCRA”), the Massachusetts Consumer Protection Act, M.G.L. c. 93A § 2, *et seq.* (“MGL 93a”), and Massachusetts Debt Collection Regulations, 940 CMR § 7.00 *et seq.* (“MDCR”). Defendant denies violation of any of these statutes.

28. Defendant denies Paragraph 28 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 28; therefore, it denies the same.

29. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 29; therefore, it denies the same.

30. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 30; therefore, it denies the same.

31. Defendant admits that the debt at issue in this matter was placed with it for collection. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 31; therefore, it denies the same.

32. Defendant denies Paragraph 32 as an incomplete and/or inaccurate statement of law.

33. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 33; therefore, it denies the same.

34. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 34; therefore, it denies the same.

35. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 35; therefore, it denies the same.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 36; therefore, it denies the same.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of Paragraph 37; therefore, it denies the same.

COUNT I

38. Defendant incorporates by reference all of the responses above as if fully set forth herein.

39. Defendant denies Paragraph 39 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 39; therefore, it denies the same.

40. Defendant denies Paragraph 40 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 40; therefore, it denies the same.

41. Defendant denies Paragraph 41 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 41; therefore, it denies the same.

42. Defendant denies Paragraph 42 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 42; therefore, it denies the same.

43. Defendant denies Paragraph 43 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 43; therefore, it denies the same.

44. Defendant denies Paragraph 44 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 44; therefore, it denies the same.

45. Defendant denies Paragraph 45 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 45; therefore, it denies the same.

46. Defendant denies Paragraph 46 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 46; therefore, it denies the same. Defendant denies Plaintiff is entitled to any relief or damages against it.

47. Defendant denies Paragraph 47 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 47; therefore, it denies the same.

48. Defendant denies Paragraph 48 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 48; therefore, it denies the same.

49. Defendant denies Paragraph 49 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 49; therefore, it denies the same.

50. Defendant denies Paragraph 50 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 50; therefore, it denies the same.

51. Defendant denies Paragraph 51 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 51; therefore, it denies the same.

COUNT II

52. Defendant incorporates by reference all of the responses above as if fully set forth herein.

53. Defendant denies Paragraph 53 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 53; therefore, it denies the same.

54. Defendant denies Paragraph 54 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 54; therefore, it denies the same.

55. Defendant denies Paragraph 55 as an incomplete and/or inaccurate statement of law.

56. Defendant denies Paragraph 56 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 56; therefore, it denies the same.

57. Defendant denies Paragraph 57 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 57; therefore, it denies the same.

58. Defendant denies Paragraph 58 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 58; therefore, it denies the same.

COUNT III

59. Defendant incorporates by reference all of the responses above as if fully set forth herein.

60. Defendant incorporates by reference all of the responses above as if fully set forth herein.

61. Defendant denies Paragraph 61 as an incomplete and/or inaccurate statement of law.

62. Defendant denies Paragraph 62 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 62; therefore, it denies the same.

63. Defendant denies Paragraph 63 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 63; therefore, it denies the same.

64. Defendant denies Paragraph 64 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 64; therefore, it denies the same.

65. Defendant denies Paragraph 65 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 65; therefore, it denies the same.

66. Defendant denies Paragraph 66 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 66; therefore, it denies the same. Defendant denies Plaintiff is entitled to any relief or damages against it.

67. Defendant denies Paragraph 67 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 67; therefore, it denies the same. Defendant denies Plaintiff is entitled to any relief or damages against it.

COUNT IV

68. Defendant incorporates by reference all of the responses above as if fully set forth herein.

69. Defendant denies Paragraph 69 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 69; therefore, it denies the same.

70. Defendant denies Paragraph 70 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 70; therefore, it denies the same.

71. Defendant denies Paragraph 71 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 71; therefore, it denies the same.

72. Defendant denies Paragraph 72 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 72; therefore, it denies the same.

73. Defendant denies Paragraph 73 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 73; therefore, it denies the same.

74. Defendant denies Paragraph 74 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 74; therefore, it denies the same.

75. Defendant denies Paragraph 75 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 75; therefore, it denies the same.

PRAYER FOR RELIEF

76. Defendant denies Plaintiff's Prayer for Relief and its subparts and further denies Plaintiff is entitled to any relief or damages.

JURY DEMAND

77. Defendant admits Plaintiff seeks a trial by jury.

AFFIRMATIVE DEFENSES

78. Any violation of the FDCPA, if it occurred, was the result of a bona fide error.

79. Plaintiff's damages, if any, are the result of the actions of third parties over whom Defendant has no control.

80. Plaintiff's damages, if any, were pre-existing damages not caused by Defendant.

81. Plaintiff has failed to mitigate damages, if any.

82. Plaintiff proximately caused his own damages, if any.

For all of the foregoing reasons, Defendant Southwest Credit Systems, L.P., requests that this Court dismiss all claims against Defendant with prejudice, and for all other relief entitled.

SOUTHWEST CREDIT SYSTEMS, L.P.,
By its Attorneys,

/s/ John J. O'Connor

John J. O'Connor

BBO #555251

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Dated: August 5, 2022

CERTIFICATE OF SERVICE

I, John J. O'Connor, hereby certify that a copy of the foregoing document has been served via ECF on all parties and First-Class Mail on this 5th day of August, 2022 to:

Randall Clark
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Plaintiff- *Pro Se*

/s/ John J. O'Connor

John J. O'Connor

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